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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
BHATIA, AJAY M

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/057,259	JAKUBIEC, CHRISTOPHER M.
	Examiner	Art Unit	
	Ajay M. Bhatia	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *17 June 2005*.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-43* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-43* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *4/18/05*.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

Response to Arguments

Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

Examiner has considers arguments addressing 112 rejection, and rejection has been withdraw.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Eden (U.S. Patent Publication 2002/0184361).

For claim 1, Eden teaches, an apparatus, comprising:

a scoreboard comprising a plurality of locations adapted to store transaction identifiers each associated with a transaction, wherein a each transaction comprises a first client sending a request to a second client, and wherein each transaction identifier includes a first timer flag and a second timer flag; (see Eden,

paragraph 32, device names are the transaction identifiers, paragraph 34, query

timeout is the first timer flag, paragraph 47, protocol is the second timer flag)

and a device adapted to manage the plurality of transaction identifiers in

the scoreboard. (see Eden, paragraph 30, the gui interface is the one the querying

device is the device adapted to manage the scoreboard)

For claim 2, Eden teaches, the apparatus of claim 1, wherein the device

comprises a timer adapted to approximately synchronously compare the length of time

the transaction identifiers remain in the scoreboard to a predetermined latency period.

(see Eden, figure35, real time response is the approximately synchronously)

For claim 3, Eden teaches, the apparatus of claim 2, wherein the timer is a free-

running timer. (see Eden, paragraph 45 the free running timer is the timer within the

thread, for the query)

For claim 4, Eden teaches, the apparatus of claim 3, wherein the free-running

timer is a cyclical free-running timer adapted to return to a zero-point after the

predetermined latency period. (see Eden, paragraph 43 the zero-point is the time out)

For claim 5, Eden teaches, the apparatus of claim 4, wherein the predetermined

latency period ranges approximately from 6 nanoseconds to 28 seconds. (see Eden,

figure58 0.5 seconds is within the predetermined latency of 6 nanoseconds to 28 seconds)

For claim 6, Eden teaches, the apparatus of claim 2, wherein the device further comprises a fill-code generator adapted to initiate a time-out sequence. (see Eden, paragraphs 49, 50 the function is the fill-code generator adapted to initiate a time-out sequence)

For claim 7, Eden teaches, the apparatus of claim 6, wherein the fill-code generator is adapted to initiate the time-out sequence when the timer notifies the fill-code generator that at least one of the transaction identifiers has remained in the scoreboard longer than the predetermined latency period. (see Eden, paragraphs 49, 50 the function is the fill-code generator adapted to initiate a time-out sequence)

For claim 8, Eden teaches, the apparatus of claim 7, wherein the fill-code generator is adapted to create a fill code and transmit the fill code to the first client when notified that at least one of the transaction identifiers has remained in the scoreboard longer than the predetermined latency period. (see Eden, paragraphs 49, 50 the function is the fill-code generator adapted to initiate a time-out sequence)

For claim 9, Eden teaches, the apparatus of claim 8, wherein the fill-code generator is further adapted to notify the client that a time-out occurred. (see Eden,

paragraphs 49, 50 the function is the fill-code generator adapted to initiate a time-out sequence)

For claim 10, Eden teaches, the apparatus of claim 1, wherein the transaction identifiers further include a client ID and a client tag. (see Eden, paragraph 32)

For claim 11, Eden teaches, the apparatus of claim 1, wherein the first client is at least one of a processor, a memory, and an I/O device. (see Eden, paragraph 29)

For claim 12, Eden teaches, the apparatus of claim 1, wherein the second client is at least one of a processor, a memory, and an I/O device. (see Eden, paragraph 29)

Claims 13-18 list all the same elements of claims 1-12. Therefore, the supporting rationale of the rejection to claim 1 applies equally as well to claim 15.

For claim 19, Eden teaches, a method, comprising:

storing at least one transaction identifier in at least one of a plurality of locations in a scoreboard, wherein the at least one transaction identifier is associated with a transaction, wherein each transaction comprises a first client sending a request to a second client in a system, and wherein each transaction identifier includes a first timer flag and a second timer flag; (see Eden, paragraphs 32, 34, 47)

timing a selected duration; (see Eden, paragraph 40)

and initiating a time-out sequence if the selected duration is substantially longer than a predetermined latency period. (see Eden, paragraphs 49, 50)

For claim 20, Eden teaches, the method of claim 19, wherein timing the selected duration comprises comparing a period of a free running timer to approximately the length of time a transaction identifier remains in the scoreboard. (see Eden, paragraphs 34,49)

For claim 21, Eden teaches, the method of claim 20, wherein comparing comprises detecting transaction identifiers that have been stored in the scoreboard during a previous period of the free-running timer. (see Eden, paragraph 50)

For claim 22, Eden teaches, the method of claim 21, wherein detecting transaction identifiers that have been stored in the scoreboard during a previous period of the free-running timer comprises examining the first timer flag when the free-running timer reaches a zero point. (see Eden, paragraphs 34, 49)

For claim 23, Eden teaches, the method of claim 22, wherein detecting transaction identifiers that have been stored in the scoreboard during a previous period of the free-running timer further comprises setting the first timer flag when the first timer flag has not been set and setting the second timer flag when the first timer flag has been set. (see Eden, paragraph 47)

For claim 24, Eden teaches, the method of claim 23, wherein comparing further comprises determining when a transaction identifier has been stored in the scoreboard for substantially longer than one cycle of the free-running timer. (see Eden, paragraphs 50, 32)

For claim 25, Eden teaches, the method of claim 24, wherein determining when a transaction identifier has been stored in the scoreboard for substantially longer than one cycle of the free-running timer comprises determining if the second timer flag has been set when the free-running timer reaches the zero point. (see Eden, paragraph 47)

For claim 26, Eden teaches, the method of claim 19, wherein timing the selected duration comprises comparing a period of a free running timer to approximately the length of time since the first client sent the request. (see Eden, paragraphs 47)

For claim 27, Eden teaches, the method of claim 19, wherein initiating a time-out sequence comprises notifying a fill-code generator that the transaction identifier in at least one location has remained in the scoreboard for substantially more than one period of the free-running timer. (see Eden, paragraph 50)

For claim 28, Eden teaches, the method of claim 27, wherein initiating a time-out sequence further comprises generating a fill code. (see Eden, paragraphs 49,50)

For claim 29, Eden teaches, the method of claim 28, wherein initiating a time-out sequence further comprises transmitting the fill code to the first client. (see Eden, paragraphs 49, 50)

For claim 30, Eden teaches, the method of claim 29, wherein initiating a time-out sequence further comprises notifying the first client that a time-out has occurred. (see Eden, paragraphs 32, 47, 49, 50)

For claim 31, Eden teaches, a method, comprising:

storing at least one transaction identifier in at least one of a plurality of locations in a scoreboard, wherein the at least one transaction identifier is associated with a transaction, wherein each transaction comprises a first client requesting data from a second client in a system, and wherein each transaction identifier includes a first timer flag and a second timer flag; (see Eden, paragraphs 32, 34, 35, 47,)

detecting approximately synchronously transaction identifiers that have been stored in the scoreboard during the previous period of a free-running timer having a period approximately equal to a predetermined latency period; (see Eden, paragraph 58)

determining approximately synchronously when at least one of the transaction identifiers has been stored in the scoreboard for substantially longer than one cycle of the free-running timer; (see Eden, paragraph 32)

and initiating approximately synchronously a time-out sequence if the transaction identifier remains in the scoreboard substantially longer than the predetermined latency period. (see Eden, paragraph 32)

For claim 32, Eden teaches, the method of claim 31, wherein detecting transaction identifiers that have been stored in the scoreboard during a previous period of the free-running timer comprises examining a first timer flag when the free-running timer reaches a zero point. (see Eden, paragraph 49,50)

For claim 33, Eden teaches, the method of claim 32, wherein detecting transaction identifiers that have been stored in the scoreboard during a previous period of the free-running timer further comprises setting the first timer flag when the first timer flag has not been set and setting the second timer flag when the first timer flag has been set. (see Eden, figure49, 50, 47)

For claim 34, Eden teaches, the method of claim 31, wherein determining when a transaction identifier has been stored in the scoreboard for substantially longer than one cycle of the free-running timer comprises determining if the second timer flag has been set when the free-running timer reaches the zero point. (see Eden, paragraph 47, 49, 50)

For claim 35, Eden teaches, the method of claim 31, wherein initiating a time-out sequence comprises notifying a fill-code generator that the transaction identifier in at least one location has remained in the scoreboard for substantially more than one period of the free-running timer. (see Eden, paragraph 47, 49, 50)

For claim 36, Eden teaches, the method of claim 35, wherein initiating a time-out sequence further comprises generating a fill code and transmitting the fill code to the first client. (see Eden, paragraph 49, 50)

For claim 37, Eden teaches, the method of claim 36, wherein initiating a time-out further comprises notifying the first client that a time-out has occurred. (see Eden, paragraph 47, 49, 50, 32)

For claim 38, Eden teaches, the apparatus as recited in claim 3, wherein the free-running timer is configured to examine the first timer flag when the free-running timer reaches a zero point. (see Eden, paragraphs 49, 50)

For claim 39, Eden teaches, the apparatus as recited in claim 38, wherein the free-running timer is configured to set the first timer flag when the first timer flag has not been set and the second timer flag when the first time flag has been set. (see Eden, paragraph 47, 49, 50)

For claim 40, Eden teaches, the apparatus as recited in claim 39, wherein the free-running timer is configured to determine when a transaction identifier has been stored in the scoreboard for substantially loner than one cycle of the free-running timer by examining the timer flag. (see Eden, paragraph 32)

For claim 41, Eden teaches, the apparatus as recited in claim 14, wherein the free-running timer is configured to examine the first timer flag when the free-running timer reaches a zero point. (see Eden, paragraph 47, 49, 50)

For claim 42, Eden teaches, the apparatus as recited in claim 41, wherein the free-running timer is configured to set the first timer flag has not been set and the set the second timer flag when the first timer flag as been set. (see Eden, paragraphs 47, 49, 50)

For claim 43, Eden teaches, the apparatus as recited in claim 42, wherein the free-running timer is configured to determine when a transaction identifier has been stored in the scoreboard for substantially longer than one cycle of the free-running timer by examining the second timer flag. (see Eden, paragraph 32)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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AB